

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

September 30, 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 655:14, a STATUTE related to a general filing provisions, most recently amended by Laws of 1985 Chapter 129 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973(c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 655:14, a STATUTE related to general filing provisions, most recently amended by Laws of 1985 Chapter 129 and previously amended by the chapters cited below.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 129 (1985) amending RSA 655:14 is attached (Exhibit 655:14 A).
- 1. Chapter 121 (1985) amending RSA 655:14 is attached (Exhibit 655:14 B)
- 2. Chapter 308 (1981) amending RSA 655:14 is attached (Exhibit 655:14 C)

- b) Previously precleared Chapter 436 (1979) recodifying RSA 56:11 – 56:13, RSA 56:15, RSA 56:16, RSA 56:18, and RSA 56:25 as RSA 655:14 is attached (Exhibit 655:14 D) solely for the purpose of establishing the baseline for the changes being submitted.
- c) The changes made by amendments to RSA 655:14 are as follows:
 - 1. Chapter 129 (1985) removes the phrase “...*third Wednesday in June...*” and replaces it with “...*Friday of the following week...*” in the introductory paragraph
 - 2. Chapter 121 (1985) makes the same changes as Chapter 129 (1985) discussed above
 - 3. Chapter 308 (1981) replaces the phrase “...*not more than 96 days nor less than 75 days prior to the primary, he shall file with the appropriate official a declaration of candidacy...*” with the phrase “...*he shall file with the appropriate official between the first Wednesday in June and the third Wednesday in June a declaration of candidacy...*” in the introductory paragraph
- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State’s legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 129 (Exhibit 655:14 A). The bill was signed into law (by the Governor) on May 20, 1985, pursuant to New Hampshire Constitution Part Second, Article 44.

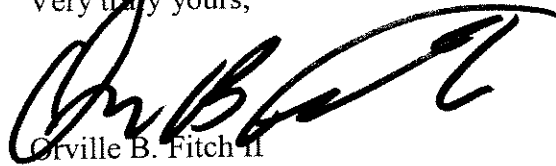
- i) Adoption dates:
 - 1. Chapter 129 (1985) adopted May 20, 1985
 - 2. Chapter 121 (1985) adopted May 20, 1985
 - 3. Chapter 308 (1981) adopted June 16, 1981
- j) Effective dates:
 - 1. Chapter 129 (1985) effective July 19, 1985
 - 2. Chapter 121 (1985) effective July 19, 1985
 - 3. Chapter 308 (1981) effective August 15, 1981
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for the changes are as follows:
 - 1. The purpose of the Chapter 129 (1985) change is to clarify when a person must file his or her candidacy for office and to shorten the period in which such filing is permitted
 - 2. The purpose of the Chapter 121 (1985) change is the same as the purpose of the Chapter 129 (1985) change
 - 3. The purpose of the Chapter 308 (1981) change is to clarify the period during which a person may file a candidacy for elected office
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. 1973(c). They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups...to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
- o) None known.
- p) RSA 655:14 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this

preclearance is attached as Exhibit 655:14 E. This submission seeks preclearance of all subsequent changes.

- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 655:14 F is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Orville B. Fitch II", written in a cursive style.

Orville B. Fitch II
Senior Assistant Attorney General
Civil Bureau
(603) 271-1238
bud.fitch@doj.nh.gov

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CHAPTER 129

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changes in that form of government which will occur if the charter revision or charter adoption question is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

128:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved May 20, 1985.]

[Effective Date July 19, 1985.]

CHAPTER 129 (HB 337)

AN ACT RELATIVE TO THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY AND FOR PARTY COMMITTEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

129:1 Changing Filing Period for Declaration of Candidacy. Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 as amended by striking out in line 7 the words "third Wednesday in June" and inserting in place thereof the following (Friday of the following week) so that said paragraph as amended shall read as follows:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

129:2 Changing Filing Period; No Declaration Filed. Amend RSA 655:32, I (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

I. In case no declaration shall be filed by a candidate for any nomination to be voted for at a primary, the nomination may be made by the appropriate party committee as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall during the third Wednesday, Thursday, or Friday following the expiration of the period for filing declarations of candidacy as provided in RSA 655:14 file with the secretary of state a declaration of candidacy as provided in RSA 655:17. If the candidate is designated for the office of governor, councilor, state senator or state representative, he shall also file during the third Wednesday, Thursday, or Friday following the period for filing declarations of candidacy the appropriate affidavit as provided in RSA 655:29. Any candidate so designated by a party committee who has not filed all the forms required by this section within the required period of time shall not have his name printed on the state primary election ballot for that office.

129:3 Effective Date. This act shall take effect 60 days after its passage.

[Approved May 20, 1985.]
[Effective Date July 19, 1985.]

CHAPTER 130 (HB 362)

AN ACT RELATIVE TO RESTITUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

130:1 Failure to Make Restitution. Amend RSA 651:67 (supp) as inserted by 1981, 329:2 by striking out said section and inserting in place thereof the following:

651:67 Failure to Make Restitution.

I. Any offender who is sentenced to make restitution under RSA 651:63, and who purposely violates the court's order by either failing to make restitution or by defaulting in the payment or performance of the restitution authorized, may be prosecuted for contempt.

II. In the case of a juvenile offender, restitution must be paid before the juvenile's eighteenth birthday, or for any person sentenced pursuant to RSA 169-B:4, before his nineteenth birthday. Any offender who fails to make restitution as ordered before the termination of juvenile court jurisdiction may be prosecuted, as an adult, for contempt.

130:2 Effective Date. This act shall take effect January 1, 1986.

[Approved May 20, 1985.]
[Effective Date January 1, 1986.]

CHAPTER 131 (HB 387)

AN ACT RELATIVE TO FUNDS FOR THE AUTOMATED INFORMATION SYSTEM IN THE STATE LIBRARY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

131:1 Certain Funds. Amend RSA 201-A:19 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:19 Disposition of Fees, Fines and Exchange of Property.

I. Any funds accruing to the state library from the sale or exchange of books, pamphlets, maps, manuscripts and other related material, or from fees and fines from lost or damaged property, shall be paid into the state treasury and held in a continuous fund for the purchase of books and related materials for the state library.

II. Any funds accruing to the state library from the sale of data base services, barcodes, cataloging records, magnetic tapes, laser discs, video tapes, or related and similar materials shall be paid into the state treasury and held in a continuous fund for the support of the New Hampshire automated information system.

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CHAPTER 121

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CHAPTER 121 (HB 72)

AN ACT RELATIVE TO THE SUBMISSION AND CERTIFICATION OF NOMINATION PAPERS AND THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

121:1 Changing Filing Period for Declaration of Candidacy.

Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 as amended by striking out in line 7 the words "third Wednesday in June" and inserting in place thereof the following (Friday of the following week) so that said paragraph as amended shall read as follows:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

121:2 Certain Presidential Candidates; Filing Declaration of Intent. Amend RSA 655:14-a (supp) as inserted by 1981, 531:2 by striking out said section and inserting in place thereof the following:

655:14-a Filing by Other Candidates. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the appropriate official as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

121:3 Filing Declaration of Intent by Certain Presidential Candidates. Amend RSA 655 by inserting after section 17-a the following new section:

655:17-b Declaration of Intent; Presidential and Vice-Presidential Candidates Who File Nomination Papers.

I. Declarations of intent for each candidate for president and vice-president who seeks nomination by nomination papers shall be in the form provided in paragraph II. Declarations of intent required by this section shall be filed with the secretary of state, signed by the candidate, and notarized by a notary public.

II. I, _____, declare that I am domiciled in the city (or town or unincorporated place) of _____, county of _____, state of _____, and am a qualified voter therein; that I intend to be a candidate for the office of _____ to be chosen at the general election to be held on the _____ day of _____; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

121:4 Filing Fee for Declarations of Intent. Amend RSA 655:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his name placed on the ballot unless he files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

III. No person who filed as a candidate in the state primary election shall be eligible to have his name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

121:9 Effective Date. This act shall take effect 60 days after its passage.

[Approved May 20, 1985.]

[Effective Date July 19, 1985.]

CHAPTER 122 (HB 91)

AN ACT RELATIVE TO COUNTING ABSENTEE BALLOTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

122:1 Changing Time for Processing Absentee Ballots. Amend RSA 659:49, I(b) (supp) as inserted by 1979, 436:1 by striking out in line 2 the time "3:00 p.m." and inserting in place thereof the following (11:00 a.m.) so that said subparagraph as amended shall read as follows:

(b) The time set for the commencement of processing absentee ballots shall not be earlier than 11:00 a.m. on election day; and

122:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved May 20, 1985.]

[Effective Date July 19, 1985.]

CHAPTER 123 (HB 94)

AN ACT TO AUTHORIZE REGISTERED NURSES AND PHYSICIANS' ASSISTANTS TO WITHDRAW BLOOD FOR PURPOSES OF BLOOD ALCOHOL CONTENT TESTING AND PRESCRIBING ADMINISTRATIVE FORMS FOR EVIDENTIARY PURPOSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

123:1 Additional Persons Authorized; Alcohol Tests. Amend RSA 265:85, I (supp) as inserted by 1981, 146:1 as amended by striking out said paragraph and inserting in place thereof the following:

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132:12-d Recovery by the State. Upon a determination that a person has fraudulently obtained funds under this program, the state may bring an action to recover the funds. Any funds so recovered shall be remitted to the proper federal officials as required under federal law or regulation. Demand and payment of these funds shall not relieve or discharge any person of liability, either civil or criminal, for additional amounts or penalties as may be prescribed under any other applicable law.

307:3 Penalties Expanded. Amend RSA 132:15 as amended by striking out said section and inserting in place thereof the following:

132:15 Penalties. Any person committing a fraud on the women, infants, and children program under RSA 132:12-a shall be charged under RSA 638:15. Any person violating any other provision of this subdivision or any rule adopted under this subdivision shall be guilty of a misdemeanor.

307:4 Criminal Penalties for Fraud. Amend RSA 638 by inserting after section 14 the following new section:

638:15 Fraud on the Women, Infants, and Children (WIC) Program.

I. A person is guilty of fraud on the women, infants, and children program if he is a vendor who embezzles, purposely misapplies, steals, or obtains by fraud or theft any funds, assets, or property provided under RSA 132:12-a or if he receives, conceals, or retains such funds, assets, or property for his own use, knowing them to have been embezzled, purposely misapplied, stolen, or obtained by fraud or theft.

II. Fraud on the women, infants, and children program is:

(a) A class A felony where the value of the funds, assets, or property exceeds \$1,000;

(b) A class B felony where the value of the funds, assets, or property exceeds \$100, but is not more than \$1,000;

(c) A misdemeanor in all other cases.

III. A person is guilty of a misdemeanor if he is a participant who:

(a) By a purposely false statement or misrepresentation or by impersonation or other purposely fraudulent act or device attempts to obtain or obtains funds under RSA 132:12-a to which he is not entitled;

(b) Purposely and knowingly aids or abets any person, by a purposely false statement or misrepresentation or by impersonation or other purposely fraudulent act or device, to attempt to obtain or obtain funds under RSA 132:12-a to which the person is not entitled;

(c) Purposely fails to disclose the receipt of property, wages, income, or resources or any change in circumstances that would affect his eligibility for assistance under RSA 132:12-a, to obtain funds or assistance to which he is not entitled.

307:5 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 16, 1981.]

[Effective Date August 15, 1981.]

CHAPTER 308 (HB 879)

AN ACT RELATIVE TO THE TIME FOR CHANGING PARTY
AFFILIATION AND FILING CANDIDACIES
FOR THE STATE PRIMARY ELECTION.

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inserting in place thereof the following (654:34, IV,) so that said paragraph as amended shall read as follows:

VII. The town or city clerk shall present to the next meeting of the supervisors of the checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any person who made application to him for a change of party affiliation and the name of the party with which he desires to be affiliated or that he desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited by the provisions of RSA 654:34, IV, shall be retained by the supervisors; and the change shall be made as soon as permitted by law.

308:7 Filing Period Altered. Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the third Wednesday in June a declaration of candidacy as provided in RSA 655:17, and

308:8 Supplementary Petitions. Amend RSA 655:26 (supp) as inserted by 1979, 436:1 by striking out in line 8 the words "less than 75 days before the primary" and inserting in place thereof the following (later than the third Wednesday in June) so that said section as amended shall read as follows:

655:26 Examination and Rejection. The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, he shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official but not later than the third Wednesday in June.

308:9 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 16, 1981.]

[Effective Date August 15, 1981.]

CHAPTER 309 (HB 883)

AN ACT CREATING AN AIRPORT DISTRICT BETWEEN THE CITY OF MANCHESTER AND THE TOWN OF LONDONDERRY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

309:1 Manchester-Londonderry Airport District.

I. The city of Manchester and the town of Londonderry are hereby authorized to establish an airport district in accordance with the intermunicipal agreement made on March 3, 1981, between Manchester and Londonderry.

II. The district shall consist of all lands approved by the voters of the town of Londonderry at the town meeting held in March, 1981, Article 24 as amended.

655:14

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II neglect or refuse to insert on the list the name of any person who is a
 er; or
 all neglect or refuse to hear or examine any evidence offered for such
 in either of these cases under paragraph I and II; or
 IV. Shall at any time knowingly insert on the list the name of any person not
 a legal voter; or
 V. Shall knowingly strike out therefrom or omit to insert the name of any
 legal voter.

CHAPTER 655
NOMINATIONS

General Qualifications

655:1 **Citizenship.** To hold any elective office in the state, a person must be a citizen of the United States, either by birth or by naturalization.

655:2 **Domicile.** To hold any elective office in the state, a person must have a domicile in the state.

Qualifications by Office

655:3 **United States Senator.** To hold the office of United States senator, a person must be qualified as provided in Article 1, section 3 of the federal constitution.

655:4 **United States Representative.** To hold the office of United States representative, a person must be qualified as required by Article 1, section 2 of the federal constitution.

655:5 **Governor.** To hold the office of governor, a person must be qualified as provided in Part 2, Article 42 of the state constitution.

655:6 **Councilor.** To hold the office of councilor, a person must be qualified as provided in Part 2, Article 61 of the state constitution.

655:7 **State Senator.** To hold the office of state senator, a person must be qualified as provided in Part 2, Article 29 of the state constitution.

655:8 **State Representative.** To hold the office of state representative, a person must be at least 18 years of age and must be qualified as provided in Part 2, Article 14 of the state constitution.

655:9 **County Officers.** To hold the office of county commissioner, sheriff, county attorney, county treasurer, register of deeds, or register of probate, a person must have a domicile in the county for which he is chosen. In addition, to hold the office of county commissioner in the counties of Rockingham, Belknap, Grafton, Merrimack, Hillsborough, Cheshire, Sullivan, Coos, and Carroll, a person must have a domicile in the district from which he is elected at the time of his election.

655:10 **Incompatible Offices.** No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section incompatible offices shall include the offices of governor, representative to the general court, state senator and councilor. If any person shall file for such incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices he wishes to retain in order to seek said nomination. If a filing fee has been paid for a declaration of candidacy which he declines the fee shall be returned to him. No person shall seek or hold the

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position as a member of the general court and county commissioner at the same time. No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.

Nominations by Primary

655:11 **Notice to Town and City Clerks.** At least 100 days before the time of holding any primary, the secretary of state shall prepare and distribute to each town and city clerk in the state a notice in writing designating the offices for which candidates are to be nominated and that delegates to the state convention are to be elected.

655:12 **Posting Notice of Primary.** Each city clerk shall distribute such notices to the ward clerks in his city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in his town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, the fees to be paid at the time of filing such papers and the number of primary petitions which may be submitted in lieu of the filing fees.

655:13 **Forms and Directions.** It shall be the duty of the secretary of state to prepare all forms necessary to carry out the provisions of this chapter and to furnish the same in reasonable quantities to the proper officials. It shall also be his duty to furnish full directions to the clerks of towns and wards when he sends them the notice provided for in RSA 655:11 as to the posting of notices, holding of primaries and making return thereof.

655:14 **Filing: General Provisions.** The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he will have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, not more than 96 days nor less than 75 days prior to the primary, he shall file with the appropriate official a declaration of candidacy as provided in RSA 655:17, and

I. The appropriate filing fee as provided in RSA 655:19, or
 II. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25.

655:15 **Official With Whom to File.** For the purposes of this chapter, the term "appropriate official" shall be defined as follows:

I. For the offices of governor, United States senator, representative in Congress, councilor, state senator and county office, the secretary of state.

II. For state representative in a representative district containing one town or ward and for delegate to a state party convention, the clerk of the town or city in which the officer is to be chosen.

III. For state representative in a representative district containing more than one town or ward, the clerk of the city or town in which the person who is filing is domiciled; or, if the person is domiciled in an unincorporated place, the town clerk of the town designated by the secretary of state for such filing as provided in RSA 668.



U.S. Department of Justice

Civil Rights Division

EXHIBIT

655:14 E

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JDR:RPL:SMC:jdh
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2004-2563
2004-2581
2004-2582

Voting Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

June 22, 2004

Orville B. Fitch II, Esq.
Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

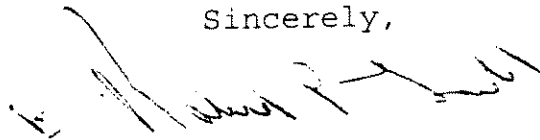
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

Sincerely,

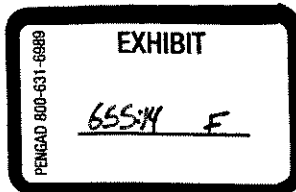
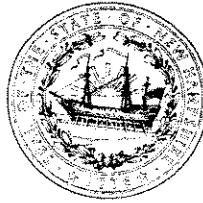
A handwritten signature in dark ink, appearing to read "Joseph D. Rich", is written over a horizontal line.

Joseph D. Rich
Chief, Voting Section

**ATTORNEY GENERAL
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News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>
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